

REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed March 23, 2004. Applicant respectfully points out that this application is a continuation application from patent application serial number 08/932,652, and has been treated as such throughout the prosecution of this application. As this application is a continuation application, Applicant respectfully points out that the Examiner is mistaken in treating this application as an application for reissue of an already issued patent. Applicant respectfully requests reconsideration and favorable action in this case.

Objections Under 37 CFR 1.126

The Examiner objects to the numbering of the claims, specifically claims 49-57. Applicant contends that these objections do not apply, as this application is a continuation application and not a reissue application. Consequently, Applicant submits that the numbering of the claims is correct.

Objection Under 37 CFR 1.173(b)

The Examiner objects to the related applications section amended by preliminary amendment because it does not comply with reissue amendment practice. Applicant contends that this objection does not apply, as this application is not a reissue application. The Examiner objects to claims 15 and 85 as amended by preliminary amendment because they do not comply with reissue amendment practice. Applicant contends that this objection does not apply, as this application is not a reissue application. Consequently, Applicant respectfully requests the withdrawal of these objections.

Objections Under 37 CFR 1.172(a), 3.73

The Examiner objects to this application as lacking written consent of all assignees owning an undivided interest in the patent. The Examiner also objects to this application because the assignee has not established its ownership interest in the patent for which a reissue is being requested. Applicant contends that these objections do not apply, as this application is not a reissue application. Consequently, Applicant respectfully requests the withdrawal of these objections.

Objections Under 37 CFR 1.175

The Examiner objects to this application as containing a defective oath/declaration because it fails to contain a statement that all errors which are being corrected in the reissue application up to the time of filing of the oath/declaration arose without any deceptive intention on the part of the applicant. Applicant contends that this objection does not apply, as this application is not a reissue application.

The Examiner objects to Claims 1, 3-5, 8, 15, 17-19, 22, 29, 31-33, 36, 43-49 and 51-56 as being based upon a defective reissue declaration. Applicant contends that this objection is does not apply, as this application is not a reissue application. Consequently, Applicant respectfully requests the withdrawal of this objection.

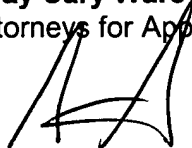
CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include an acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending Claims. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-0456 of Gray Cary Ware & Freidenrich, LLP.

Respectfully submitted,

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